

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL MEETING
1169TH MEETING SESSION (13TH OF 2004)

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THURSDAY
SEPTEMBER 30, 2004

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The Special Meeting of the District of Columbia Zoning Commission convened at 6:00 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Suite 220-South, Washington, D.C., Anthony J. Hood, Vice-Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Vice-Chairperson
KEVIN HILDEBRAND	Commissioner
GREGORY JEFFRIES	Commissioner
JOHN G. PARSONS	Commissioner

OFFICE OF ZONING STAFF PRESENT:

ALBERTO P. BASTIDA,	Secretary
SHARON SCHELLIN,	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS,	Office of Planning
DAVID McGETTIGAN,	Office of Planning

D.C. OFFICE OF THE ATTORNEY GENERAL STAFF PRESENT:

MARY NAGELHOUT, ESQ.

This transcript constitutes the minutes from the special meeting held on September 30, 2004.

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P-R-O-C-E-E-D-I-N-G-S

6:08 p.m.

VICE CHAIRPERSON HOOD: This is a special public meeting of the D.C. Zoning Commission, the 1169th Public Meeting of the Zoning Commission. Joining me this evening are Commissioners Parsons, Jeffries, and Hildebrand. This is a special public meeting, Thursday, September the 30th, at 6:00 p.m. Thank you for indulging us.

Mr. Bastida, do we have any preliminary matters?

MR. BASTIDA: The staff has no preliminary matters, Mr. Vice Chairman.

VICE CHAIRPERSON HOOD: Okay. We're going to take up hearing action, Zoning Commission Case Number 04-22. That is the Children's Museum. Mr. Bastida?

MR. BASTIDA: The Office of Zoning have provided you with what they call, with a file and request that you take an action. Perhaps, you would like to have a presentation from the Office of Planning before moving over and maybe from the applicant, if you want. I would like to state for the record that there is no opposition to this case. The ANC, we have received a letter today from the ANC

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1 supporting the project and say that they will be
2 working with the MOU to assure that, in fact, it's
3 complied with and it's worked with the community, St.
4 Elizabeth. I went to the Office of MOU, and they are
5 working diligently.

6 VICE CHAIRPERSON HOOD: Mr. Bastida, I
7 realize that we're trying to get to 6:30 but, right
8 now, we're doing the Children's Museum. But let me do
9 this: thank you for your time.

10 MR. BASTIDA: Oh, I'm sorry.

11 VICE CHAIRPERSON HOOD: Let me go to the
12 Office of Planning and ask them to give us a brief
13 synopsis. Thank you.

14 MR. MCGETTIGAN: Thank you, Mr. Chair.
15 I'm David McGettigan from the Office of Planning. The
16 Capital Children's Museum and Development Corporation
17 are bringing this application before you. It's a PUD,
18 combined PUD, consolidated PUD. The existing site is
19 C-3-D and C-3-A, and they're requesting C-3-C with the
20 PUD. They're going to preserve the existing original
21 structure of the Children's Museum, which is a
22 striking structure. You've all seen it. And it was
23 built in the late 1800s.

24 There's also administrative two-story
25 building on site that they will re-use, and the

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1 undeveloped portions of the site will have two new
2 residential structure on them, 110 feet, for a total
3 of close to 500 for-sale dwelling units on H Street.
4 This is an excellent location for housing. It's very
5 close to a Metro station. It's on the H Street
6 Quarter, which is a major transit quarter for busses,
7 also may soon have a rail line.

8 It's an area that's envisioned in our H
9 Street Strategic Development Plan for Housing to help
10 support the retail core of H Street, which we hope to
11 revitalize. Additional residences will help bring
12 shoppers to the area that would utilize those
13 services. Also, at the far end of H Street, we are
14 envisioning a new arts and entertainment area spurred
15 on by the Atlas Theater, which is being redeveloped
16 currently.

17 And so it's an important part of the
18 revitalization of H Street. It's consistent with the
19 comprehensive plan, and we will continue to work with
20 the applicant to refine the plans and the benefits and
21 amenities. And we think it's a very good project, and
22 we recommend you set it down tonight.

23 VICE CHAIRPERSON HOOD: Okay. Thank you,
24 Mr. McGettigan. Commissioners, do we have any
25 questions? I have none. Any questions?

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1 COMMISSIONER HILDEBRAND: I do have a
2 question. It concerns the height of the building
3 relative to the adjacent communities. I notice in the
4 diagrams that the section cuts would make it appear
5 that this is directly across from the SEC Building
6 but, in fact, it's across the street from a very low
7 typical Capitol Hill 30-foot maximum height area. I'm
8 a little concerned about the leap to 118 feet for the
9 height of this structure. Was any consideration given
10 to keeping this at C-3-B with the PUD extensions?

11 MR. MCGETTIGAN: The reason for the extra
12 height is to help make the project work. The museum
13 structure is in some disrepair. It needs substantial
14 investment to be renovated and usable. There is some
15 concern in the Office of Planning with the
16 relationship particularly across the street, across
17 Third Street, but we think that -? and the applicant
18 has agreed to look at some architectural ways to treat
19 this relationship.

20 COMMISSIONER HILDEBRAND: I'm looking at
21 Third Street, but I'm also looking at I, I'm looking
22 at the opposite side of H, I'm looking at the
23 relationship to the existing structure in the center
24 of the site that's being retained. This proposed
25 building just seems to dwarf everything in its

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1 surroundings, and I think that needs some serious
2 consideration.

3 MR. MCGETTIGAN: I would note that across
4 I Street is C2b, which allows a height of 65 feet.
5 Though it's not developed to that height currently, it
6 can be. It's also a commercial area and can perhaps
7 tolerate more height. So the only real concern for us
8 is the R-4 portion, which is across, just a little bit
9 of the block across Third Street.

10 COMMISSIONER HILDEBRAND: I may be looking
11 at the wrong diagram, but I'm looking at page 27 and
12 it says the allowable zoning height is 50 feet. So at
13 118 feet, this would still be more than twice the
14 height of the building across the street on page 27.
15 Oh, that's Third Street. See, that's not the
16 commercial side. That's the residential side. I
17 don't mean to dwell on this unnecessarily, but I'm
18 very concerned about the height of what I'm seeing
19 here proposed. I think the architectural styles and
20 geometries that are suggested are quite appealing
21 graphically. I certainly am excited to see more about
22 what those really are, but I am seriously concerned
23 about the height.

24 COMMISSIONER JEFFRIES: Can I?

25 VICE CHAIRPERSON HOOD: Sure.

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1 Commissioner Jeffries?

2 COMMISSIONER JEFFRIES: Yes. I noted in
3 your recommendation, Office of Planning, that you are
4 going to continue to work with the applicant around
5 sort of minimize the impact. Perhaps, looking at some
6 level of articulation of the towers that face the low
7 scale of structure across the street to somehow soften
8 the impact. Have you given some thought about exactly
9 how that treatment could occur?

10 MR. MCGETTIGAN: No, we haven't had, we've
11 mentioned our concerns to the applicant. We haven't
12 had further discussions with how to do that. But they
13 were aware of our concerns, and we're going to work on
14 some revisions to that corner to address that.

15 COMMISSIONER JEFFRIES: You know, I see
16 this project as an economic driver for the area,
17 particularly for the H Street Quarter. I think, you
18 know, I would hope that the Commission could really
19 take this entire package and its totality to sort of
20 look at it, in addition to just the architecture but
21 also the economic benefits that it will bring to the
22 area. So it's my hope that the Office of Planning can
23 sort of address Commissioner Hildebrand's concerns
24 around the height and still make certain that the
25 project remains an economic development driver for the

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1 area.

2 VICE CHAIRPERSON HOOD: Thank you,
3 Commissioner Jeffries. I would like to ? Commissioner
4 Parsons?

5 COMMISSIONER PARSONS: Go ahead.

6 VICE CHAIRPERSON HOOD: No, you go ahead.

7 COMMISSIONER PARSONS: Following up on
8 this, it seems to me it would be a natural concern of
9 the folks north of I Street as to what impact they
10 would feel from the shadows of these buildings. And I
11 think that, in a productive technique in the past, to
12 have some shadow studies done to show how these towers
13 might affect those residential units across the
14 street. So I would suggest that might be something we
15 would need.

16 I also note in your report about the
17 community is the plans were well received by the
18 community at this meeting. Were you at that meeting?

19 MR. MCGETTIGAN: Yes, I was.

20 COMMISSIONER PARSONS: So tell us about
21 well received. How many people were there and . . .

22 MR. MCGETTIGAN: There were ?

23 COMMISSIONER JEFFRIES: In your report,
24 you said 40 to 50 or --

25 MR. MCGETTIGAN: Yes, I think there was

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1 that many. It was a packed room of people at the
2 Children's Museum, and they actually got up at the end
3 of the meeting and clapped. So I have never seen that
4 response to a project before.

5 COMMISSIONER PARSONS: All right, good.
6 That feels right. That's all I have.

7 VICE CHAIRPERSON HOOD: Thank you. I
8 would like to also, Mr. McGettigan, associate myself
9 with the comments of my colleague, Mr. Jeffries, and,
10 hopefully, if it's set down and we get to the hearing,
11 some of those issues may have been worked through. We
12 also, like you said, look at the totality of the
13 project in jump-starting that area. And also, if we
14 could get some shadow studies, as Commissioner Parsons
15 has asked for, we should be okay.

16 The only question that I have, and it goes
17 back to Commissioner Hildebrand, is I don't know why I
18 thought it was 110 feet. I must be looking at the
19 wrong place. Where did you get 118?

20 MR. MCGETTIGAN: 118 is the top of the
21 penthouse. That's the highest point of the building.

22 VICE CHAIRPERSON HOOD: Okay. I got you
23 now.

24 COMMISSIONER JEFFRIES: But that really
25 doesn't attribute to really the mass. I mean, really,

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1 to 110, that's what your impact is.

2 VICE CHAIRPERSON HOOD: Okay. Thank you
3 for that clarification because I was wondering where
4 the other eight feet in totality was coming from.
5 Okay. With that, I would move that we set the Zoning
6 Commission Case Number 04-22. Hopefully, we can
7 receive the information asked for at the time of the
8 hearing.

9 COMMISSIONER JEFFRIES: I second it.

10 VICE CHAIRPERSON HOOD: It's moved and
11 properly seconded. All those in favor?

12 (Chorus of ayes.)

13 VICE CHAIRPERSON HOOD: Any opposition?

14 (No response.)

15 VICE CHAIRPERSON HOOD: So order of staff.
16 Would you record the vote?

17 MS. SCHELLIN: Yes. I would record the
18 vote four to zero, excuse me, four to zero to one to
19 approve Case Number 04-22 for set down, Commissioner
20 Hood moving, Commissioner Jeffries seconding,
21 Commissioners Parsons and Hildebrand in favor,
22 Commissioner Mitten not present and not voting.

23 VICE CHAIRPERSON HOOD: Let me also
24 apologize to Mr. Bastida. When I gave him the cue, he
25 started for the 6:30 hearing, and I shouldn't have

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1 given him the cue. Actually, it's my fault. I should
2 have went to the Office of Planning. So with that,
3 Mr. Bastida, is everything in order?

4 MR. BASTIDA: It was my fault. I'm sorry.
5 I was just so ready to make sure that --

6 VICE CHAIRPERSON HOOD: While I'm in the
7 mood for taking the blame, let me take it this time.

8 MR. BASTIDA: Okay, thank you.

9 VICE CHAIRPERSON HOOD: Okay. With that,
10 this special meeting is adjourned.

11 (Whereupon, the meeting was
12 adjourned at 6:21 p.m.)

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